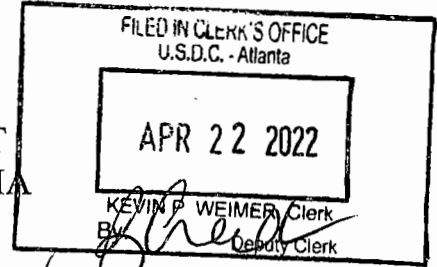


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA



REGINALD HOYLE,

Plaintiff,

VS.

COCA-COLA CONSOLIDATED, INC.
and INDEMNITY INSURANCE
COMPANY OF NORTH AMERICA

Intervenor Plaintiffs,

VS.

JERRY MITCHELL, JR. and JR'S
TOWING & RECOVERY,

Defendants.

Civil Action

File No. 1:22-cv-00488-MLB

MOTION TO INTERVENE

COME NOW, Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America, by and through the undersigned counsel, and hereby move this Honorable Court pursuant to Rule 24 of the Federal Rules of Civil Procedure for an Order permitting them to intervene as Intervenor Plaintiffs in the

above-styled proceedings. In support of this Motion, Intervenor Plaintiffs show the Court the following:

1.

On or about December 23, 2020, Plaintiff Reginald Hoyle, was injured while acting in the course and scope of his employment with Coca-Cola Consolidated, Inc. At the time of the injury, Coca-Cola Consolidated, Inc. was insured for workers' compensation purposes by Indemnity Insurance Company of North America, and their claims were adjusted and paid by a third-party administrator, Gallagher Bassett Services, Inc. The December 23, 2020 accident was accepted as a compensable workers' compensation injury by Coca-Cola Consolidated, Inc. and, through its insurer Indemnity Insurance Company of North America has paid certain medical and indemnity benefits to, or on behalf of, Plaintiff Hoyle.

2.

The injury that Plaintiff Hoyle sustained on December 23, 2020, was accepted as a compensable workers' compensation accident by Coca-Cola Consolidated, Inc. As of this date, Gallagher Bassett Services, Inc., on behalf of Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America, has paid \$92,072.00 in workers' compensation benefits (indemnity benefits and medical

expenses) to or on behalf of Plaintiff Reginald Hoyle. Specifically, Coca-Cola Consolidated, Inc. has paid approximately \$49,739.86 in workers' compensation medical benefits and \$42,332.14 in workers' compensation indemnity benefits. (See affidavit of Cathy Nation, attached hereto as Exhibit A). This amount continues to increase, as Plaintiff Hoyle is still receiving medical treatment and indemnity benefits are being paid.

3.

Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America seek to intervene in this case for the purposes of asserting, protecting and enforcing their subrogation lien pursuant to O.C.G.A. § 34-9-11.1.

4.

Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America will be directly affected by the outcome of this action.

5.

Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America's interests are not being represented by the existing parties.

6.

Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America show that their intervention in this action will not unduly delay or prejudice the adjudication of the rights of the original parties.

7.

Attached hereto as Exhibit B is a Proposed Intervenor Complaint and a Proposed Order granting the Intervenor Plaintiffs' Motion to Intervene.

8.

Wherefore, Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America pray that this Motion be granted, and that they be allowed to intervene in this action as Intervenor Plaintiffs, and that they receive such other and further relief as is just and proper.

Respectfully submitted this 22nd day of April, 2022.

**MCANGUS GOUDELOCK AND
COURIE, LLC**

/s/ Christopher A. Whitlock

CHRISTOPHER A. WHITLOCK

Ga. Bar No.: 756210

Attorney for Intervenor Plaintiffs Coca-
Cola Consolidated, Inc. and Indemnity
Insurance Company of North America

MCANGUS GOUDELOCK AND COURIE, LLC

270 Peachtree Street, NW

Suite 1800

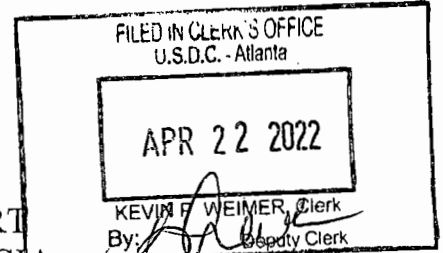
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

REGINALD HOYLE,

Plaintiff,

vs.

JERRY MITCHELL, JR. and JR'S
TOWING & RECOVERY,

Defendants.

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) Civil Action
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CERTIFICATE OF SIZE AND FONT

Counsel for Intervenor Plaintiffs hereby certifies that the Motion to Intervene complies with the font and point selections approved by the Court in LR 5.1. This Motion to Intervene was prepared using Times New Roman font, 14-point.

**MCANGUS GOUDELOCK AND
COURIE, LLC**

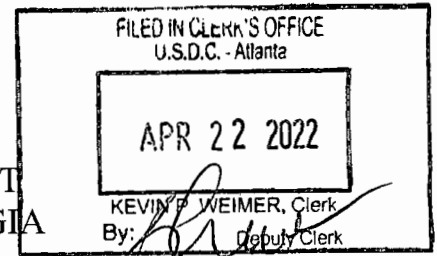
/s/ Christopher A. Whitlock

CHRISTOPHER A. WHITLOCK
Ga. Bar No.: 756210
Attorney for Intervenor Plaintiffs Coca-
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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA



REGINALD HOYLE,

Plaintiff,

vs.

JERRY MITCHELL, JR. and JR'S
TOWING & RECOVERY,

Defendants.

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2022, I electronically filed this Motion to Intervene with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Blake Fluevog, Esq.
178 S. Main Street
Unit 300
Alpharetta, GA 30009
bfluevog@forthepeople.com

Grant B. Smith, Esq.
Nicholas D. Bedford, Esq.
900 Circle 75 Parkway
Suite 1400
Atlanta, GA 30339
gbs@dcplaw.com
nbedford@dcplaw.com

This 22nd day of April, 2022.

**MCANGUS GOUDELOCK AND
COURIE, LLC**

/s/ Christopher A. Whitlock

CHRISTOPHER A. WHITLOCK
Ga. Bar No.: 756210
Attorney for Intervenor Plaintiffs Coca-
Cola Consolidated, Inc. and Indemnity
Insurance Company of North America

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF GEORGIA

REGINALD HOYLE,

Plaintiff,

VS.

**JERRY MITCHELL, JR. and JR'S
TOWING & RECOVERY,**

Defendants.

))))))))))

Civil Action

File No. 1:22-cv-00488-MLB

AFFIDAVIT IN SUPPORT OF MOTION TO INTERVENE

Personally appeared before me, Cathy Nation, Senior Resolution Manager for Gallagher Bassett Services, Inc., third-party administrator for applicant for intervention in the above-styled action, who being duly sworn, deposes and says:

1.

I am more than 18 years of age, under no legal disability, and make this Affidavit based on my personal knowledge pertaining to the above-styled action, and more particularly to the Motion to Intervene in the civil action filed by Reginald Hoyle.

2.

Plaintiff Reginald Hoyle has filed a third party complaint, alleging that on or about December 23, 2020, Defendants Jerry Mitchell, Jr. and JR's Towing & Recovery negligently caused him multiple personal injuries.

3.

On December 23, 2020, at the time that Mr. Hoyle sustained the above referenced injuries, Plaintiff Hoyle was acting in the course and scope of his employment with Coca-Cola Consolidated, Inc. At all times material herein, Plaintiff Reginald Hoyle has been employed by Coca-Cola Consolidated, Inc., which was insured for workers' compensation purposes at all times material herein by Indemnity Insurance Company of North America. The December 23, 2020 accident was accepted as a compensable workers' compensation injury by Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America and they have paid certain medical and indemnity benefits to, or on behalf of, Plaintiff Hoyle.

4.

To date, Coca-Cola Consolidated, Inc. and Indemnity Insurance Company of North America have paid to, or on behalf of, Plaintiff Reginald Hoyle a total of \$49,739.86 in medical benefits and \$42,332.14 in indemnity benefits. These amounts continue to increase, as Plaintiff Reginald Hoyle continues to receive medical treatment and weekly workers' compensation indemnity benefits.

5.

Plaintiff Reginald Hoyle's complaint alleges that the workers' compensation benefits paid to, or on behalf of, him were paid due to injuries that were proximately caused by the negligence of the above named Defendants.

FURTHERMORE, AFFIANT SAYETH NOT.

This 19th day of April, 2022.

Cathy Nation
Cathy Nation
Senior Resolution Manager for Gallagher
Bassett Services, Inc.

Sworn to and subscribed before me
this 19 day of April, 2022.

By: [Signature]
Notary Public

My Commission Expires: 8/18/23

